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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,239	01/14/2002	Yuuichirou Ikeda	1046.1265	9427

21171 7590 02/09/2007  
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1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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DANG, HUNG Q

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/043,239

Applicant(s)

IKEDA ET AL.

Examiner

Hung Q. Dang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/05/2002, 12/16/2003, 12/26/2006.

## DETAILED ACTION

### *Response to Amendment*

The JP 09-312811 reference cited by Applicant is considered in this Office Action.

Objections to IDS, Specification, and Drawings are withdrawn.

Rejections of claims 1-8 under 35 U.S.C. 101 are withdrawn.

### *Response to Arguments*

The newly added limitations have been fully considered in this Office Action.

Claims 1, 9, and 17 of the present application now recite two newly added features: (A) obtaining, while being received the program by a program receiving unit, information related to the received program from contents of the received program; and (B) searching ... information of the program related to the received program on the basis of information at the time of reception of a predetermined notification in the information obtained by said information obtaining unit.

Marsh, Logan, and Arai fully discuss those features in the originally cited references.

Marsh discloses (A) in column 7, lines 40-49 as cited, "the closed caption text or like supplemental information associated with a program while it is being recorded or after it has been recorded." Marsh discloses (B) in column 5, lines 64-67, column 7, lines 40-49, and column 6, lines 15-21, as cited, "...monitor the content of recorded programs and look for patterns or similarities that ... selection criteria for future programming, etc." in the consideration of the disclosure in column 7, lines 40-49 that

the program are "being recorded or after it has been recorded." "The time of reception of a predetermined notification" as recited in the limitation is the start time of the program in Marsh itself.

Logan discloses (A) in [0049], [0050], [0051], [0063], and [0064]. In these paragraphs, Logan discloses obtaining the information (metadata) by parsing and immediately processing the current programs. Logan discloses (B) in [0123] and [0124] in the context of disclosure of (A) above. Specifically, the metadata immediately created from the contents of the current program are used in search for the program information of the program related, etc. Again "the time of reception of a predetermined notification" as recited in the limitation is the start time of the program in Logan itself.

Arai discloses (A) in column 13, lines 9-15, 52-59, which clearly describes processing of currently received program signal to obtain the program information in forms of event information, based on which the search for program information of the programs related is performed as a disclosure of (B) in column 13, line 60 – column 14, line 2. Again "the time of reception of a predetermined notification" as recited in the limitation obviously is the start time of the program in Arai itself.

Consequently, the amended claims 1, 9, and 17 of the present application are fully disclosed individually by Marsh, Arai, and Logan.

Specifically, claims 2, 10, and 18 of the present application each recite: "converting voices contained in the received program into character information, and obtains the character information from the voices", claims 3, 11, and 19 of the present application each recite "obtains the character information from a caption contained in

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the received program", and claims 4, 12, and 20 each recite "obtains the character information in a data broadcast multiplexed with a program broadcast" are all disclosed as pointed out in the First Office Action in consideration of further disclosure of newly added limitations of (A) and (B) by each of Marsh, Arai, and Logan as discussed above.

Similarly, the remaining dependent claims are also rejected as originally pointed out in the First Office Action in consideration of further disclosure of newly added limitations of (A) and (B) by each of Marsh, Arai, and Logan as discussed above.

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 9-11, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Marsh (US Patent 6,931,657)

Claim 1 is drawn to a reservation control unit comprising: (1) a search request unit requesting a program information retaining unit to search for program information; (2) a reservation request unit requesting a program reservation unit to reserve viewing or recording the program; (3) an information obtaining unit to obtain, while being

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received the program by a program receiving unit, information related to received program from contents of the received program; wherein said search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of information received at the time of reception of a predetermined notification in the information obtained by said information obtaining unit, and said reservation request unit makes a request for reserving a receipt of the program or reserving a record of the program on the basis of the searched program information.

Marsh anticipates a reservation control unit comprising: (1) a search request module requesting a program information retaining unit (column 6, lines 15-21) to search for program information (column 5, lines 65-67; column 6, lines 1); (2) a reservation request module requesting a program reservation unit to reserve viewing or recording the program (column 6, lines 8-14); (3) an information obtaining module to obtain, while being received the program by a program receiving unit, information related to the received program from contents of the received program (column 5, lines 26-41; column 7, lines 40-49); wherein said search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of information received at the time of reception of a predetermined notification in the information obtained by said information obtaining unit (column 5, lines 64-67; column 6, lines 15-21), and said reservation request unit makes a request for reserving a receipt of the program or reserving a record of the program on the basis of the searched program information (column 6, lines 8-14).

Claims 9 and 17 are drawn to a program preserving method or a storage medium embodying program instructions readable and executable by the machine, comprising: (1) obtaining, while being received a program by a program receiving unit, information related to the received program from contents of the received program; (2) searching for a broadcast date/time of the program related on to the received program on the basis of information at the time of reception of a predetermined notification in the program related information related to the received program; and (3) making a request for reserving a receipt of the program or a record of the program on the basis of the broadcast date/time.

Marsh anticipate a reserving method comprising: (1) obtaining, while being received a program by a program receiving unit, information related to a program from contents of a received program (column 5, lines 26-41, 64-67); (2) searching for a broadcast date/time of the program related on to the received program on the basis of information at the time of reception of a predetermined notification in the program related information related to the received program (column 6, lines 64-67; column 5, lines 15-18: note that EPG database contains program schedules, which contain broadcast date/time of the programs); and (3) making a request for reserving a receipt of the program or a record of the program on the basis of the broadcast date/time (column 6, lines 8-14).

Claim 2, 10, and 18 are drawn to voice recognizing and voice converting of voices contained in the received program into character information, and obtains the character information from the voice.



Marsh anticipates the information obtaining module includes voice recognizing and voice converting of voices contained in the received program into character information, and obtains the character information from the voice (column 7, lines 54-58).

Claim 3, 11, and 19 are drawn obtaining the character information from a caption contained in the received program, which is anticipated by Marsh (column 7, lines 43-46).

**Claims 1, 4, 9, 12, 17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Arai et al. (US Patent 6,751,401).**

Claim 1 is drawn to a reservation control unit comprising: (1) a search request unit requesting a program information retaining unit to search for program information; (2) a reservation request unit requesting a program reservation unit to reserve viewing or recording the program; (3) an information obtaining unit to obtain, while being received the program by a program receiving unit, information related to received program from contents of the received program; wherein said search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of information received at the time of reception of a predetermined notification in the information obtained by said information obtaining unit, and said reservation request unit makes a request for reserving a receipt of the program or reserving a record of the program on the basis of the searched program information.

Arai et al. anticipate a program reservation system comprising: (1) a search request unit (column 13, lines 60-62) requesting a program information retaining unit to search for program information (column 13, lines 62-67; column 14, lines 1-2); (2) a reservation request unit requesting a program reservation unit to reserve viewing or recording the program (column 14, lines 3-17); (3) an information obtaining unit to obtain, while being received the program by a program receiving unit (column 13, lines 9-15), information related to received program from contents of the received program (column 13, lines 9-15, 52-59); wherein said search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of information received at the time of reception of a predetermined notification in the information obtained by said information obtaining unit (column 13, line 60 – column 14, line 2), and said reservation request unit makes a request for reserving a receipt of the program or reserving a record of the program on the basis of the searched program information (column 13, line 60 – column 14, line 18).

Claims 9 and 17 are drawn to a program preserving method or a storage medium embodying a program instructions readable and executable by the machine, comprising: (1) obtaining, while being received a program by a program receiving unit, information related to a program from contents of a received program; (2) searching for a broadcast date/time of the program related on the received program on the basis of information at the time of reception of a predetermined notification in the program related information related to the received program; and (3) making a request for reserving the program on the basis of the broadcast date/time.

Arai et al. anticipate a program preserving method; hence able to be implemented on a storage medium embodying program instructions readable and executable by the machine, comprising the steps of: (1) obtaining, while being received a program by a program receiving unit (column 13, lines 9-15), information related to a program from contents of a received program (column 13, lines 9-15, 52-29); (2) searching for a broadcast date/time of the program related on the received program on the basis of information at the time of reception of a predetermined notification in the program related information related to the received program; (column 13, line 60 – column 14, line 2); and (3) making a request for reserving the program on the basis of the broadcast date/time (column 14, lines 3-17).

Claims 4, 12, and 20 are drawn to the program information being obtained from a data broadcast multiplexed with a program broadcast, which is anticipated by Arai et al. (column 2, lines 54-61).

**Claims 1, 5, 9, 13, 17, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan (US Pg-Pub 2002/0120925), which takes the priority date of provisional applications filed on 01/29/2001 and 07/11/2001.**

Claim 1 is drawn to a reservation control unit comprising: (1) a search request unit requesting a program information retaining unit to search for program information; (2) a reservation request unit requesting a program reservation unit to reserve viewing or recording the program; (3) an information obtaining unit to obtain, while being received the program by a program receiving unit, information related to received program from contents of the received program; wherein said search request unit

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makes said program information retaining unit search for the program information of the program related to the received program on the basis of information received at the time of reception of a predetermined notification in the information obtained by said information obtaining unit, and said reservation request unit makes a request for reserving a receipt of the program or reserving a record of the program on the basis of the searched program information.

Logan anticipates a program recording, editing and playback system using metadata, comprising: (1) a search request unit ([0092]) requesting a program information retaining unit (see [0087], [0091]) to search for program information (metadata) (see [0124]); (2) a reservation request unit requesting a program reservation unit to reserve viewing or recording the program (see [0262], [0271], [0275]); (3) an information obtaining unit ([0074], [0076]) to obtain, while being received the program by a program receiving unit, information related to received program from contents of the received program ([0049], [0050], [0051], [0063], [0064]); wherein said search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of information received at the time of reception of a predetermined notification in the information obtained by said information obtaining unit ([0123], [0124]), and said reservation request unit makes a request for reserving a receipt of the program or reserving a record of the program on the basis of the searched program information (see [0262], [0271], [0275]).

Claims 9 and 17 are drawn to a program preserving method or a storage medium embodying a program instructions readable and executable by the machine,

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comprising: (1) obtaining, while being received the program by a program receiving unit, information related to a program from contents of a received program; (2) searching for a broadcast date/time of the program related on the received program on the basis of information at the time of reception of a predetermined notification in the program related information related to the received program; and (3) making a request for reserving the program on the basis of the broadcast date/time.

Logan anticipates a program preserving method; hence able to be implemented on a storage medium embodying program instructions readable and executable by the machine, comprising the steps of: (1) obtaining, while being received the program by a program receiving unit, information related to a program from contents of a received program ([0074], [0076], ([0049], [0050], [0051], [0063], [0064]); (2) searching for a broadcast date/time of the program related on the received program on the basis of information at the time of reception of a predetermined notification in the program related information related to the received program ([0123], [0124], [0091], [0092], [0093]-[0097]); and (3) making a request for reserving the program on the basis of the broadcast date/time (see [0262], [0264], [0271], [0093]-[0097]).

Claims 5, 13, and 21 are drawn to scenario data retaining unit, accessing scenario data of the program and obtaining information from the scenario data.

Logan anticipates scenario data retaining unit (see [0087], [0088], and [0124]), accessing scenario data of the program and obtaining information from the scenario data (see [0093]-[0097], [0124]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 6-8, 14-16, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US Pg-Pub 2002/0120925), which takes priority benefit of provisional applications filed on 01/29/2001 and 07/11/2001, as applied to claims 1, 5, 9, 13, 17, 21 above, and further in view of Arai et al. (US Patent 6,751,401) and Chaal (URL: <http://www.derekmain.com/Dwsite/NetworkingWebsite/mux.html>).**

Claims 6, 14, and 22 are drawn to obtaining the information from the scenario data transmitted in multiplexing with the program broadcast. Claims 7-8, 15-16, and 23-24 are drawn to the scenario data containing an elapse time since the start of the program, or the scenario data containing an elapse time since the scenario data transmission date/time and the character information describing the program contents at this elapse time.

Logan teaches the program information including the scenario data being combined with the programming contents as transmitted to the users (see [0045]). Logan teaches to the scenario data represented by metadata, containing an elapse time since the start of the program (see [0093]-[0097]), or the scenario data containing an

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elapse time since the scenario data transmission date/time ([0090]) and the character information describing the program contents at this elapse time ([0093]-[0097]). Logan also teaches the program information including the scenario data being combined with the programming contents as transmitted to the users (see [0045]). However, Logan does not teach the program information, in general, or scenario data specifically, being multiplexed with the program contents.

Arai teaches the program information being multiplexed with program contents (see column 2, lines 56-57, lines 63-67).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the concept of multiplexing the program information with the program contents taught by Arai et al. into the concept of transmitting the program information as metadata, which contains the scenario data, in combination with the program contents taught by Logan because, according to Sangeeta Chaal, in data transmission, multiplexing allows multiple signals to be transmitted over a single link by permitting two or more data sources to share a common transmission medium.

Therefore the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

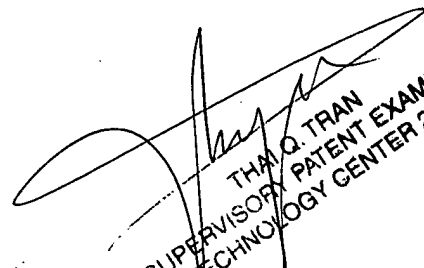
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang  
Patent Examiner



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